

General Information Letter: Taxpayer must be owner of the residential property in order to claim credit for property taxes paid.

March 22, 1999

Dear:

This is in response to your letter dated March 8, 1999 in which you state the following:

Upon talking to your representative today - they told me to contact your department.

The following I need clarification for the 1998-IL-1040 Return.

Am I entitled to Homeowner Property Tax Credit - even though I do not have title to the home I live in with my mother?

She has title to home/although I am allowed to claim head of household for Federal. I pay over half (1/2) of upkeep (included in this is property taxes). She is a senior citizen, 82 yrs of age and does not pay federal taxes because does not earn enough.

According to the Department of Revenue ("Department") regulations, the Department may issue only two types of letter rulings: Private Letter Rulings ("PLR") and General Information Letters ("GIL"). For your convenience, we enclose a copy of 2 Ill. Adm. Code §1200 explaining these two types of rulings issued by the Department.

Due to the nature of your inquiry and the information presented in your letter, we are required to respond with a GIL. GILs are designed to provide background information on specific topics. GILs, however, are not binding on the Department.

There are four requirements for any taxpayer to receive an Illinois Property Tax credit on their 1998-IL-1040:

- 1) taxpayer's principal residence during 1997 was in Illinois; and
- 2) taxpayer owned the principal residence; and
- 3) taxpayer's tax bill included property used for the principal resident, yard, garage, or other structure used for personal purposes; and
- 4) taxpayer's property tax billed in 1998 has been paid.

In order to receive an Illinois Property Tax credit, you must meet all four of these requirements. Your letter clearly indicates that you do not own the property at issue. Thus, you are unable to claim a credit for any property taxes you might have paid. The fact that you are allowed to claim head of household for federal purposes is irrelevant.

As stated above, this is a general information letter that does not constitute a statement of policy that applies, interprets or prescribes tax law. It is not binding on the Department. If you are not under audit and you wish to obtain a binding Private Letter Ruling regarding your factual situation, please submit all of the information set out in items 1 through 8 of the enclosed copy of Section 1200.110(b).

Sincerely,

Heidi Scott  
Staff Attorney -- Income Tax